

July 11, 2019

The Honorable Mark Morgan  
Acting Director  
Immigration and Customs Enforcement  
500 12<sup>th</sup> St., SW  
Washington D.C. 20536

Dear Acting Director Morgan:

I write seeking answers regarding reports that Immigration and Customs Enforcement (ICE) has signed new contracts for three for-profit immigration detention centers in Mississippi and Louisiana. If the reports are correct, it appears that ICE has decided to place immigrant detainees at these facilities without providing proper notice, despite the fact that they suffer from a myriad of health and safety problems.

On July 9, 2019, *Mother Jones* reported that ICE last month began detaining migrants at three facilities operated by for-profit prison companies: Adams County Correctional Center in Mississippi, Catahoula Correctional Center in Louisiana, and South Louisiana ICE Processing Center in Louisiana.<sup>1</sup> An ICE spokesman confirmed the use of these facilities.<sup>2</sup> ICE contracted with these facilities despite numerous health and safety problems in recent years at these facilities.

A 2016 report from the Department of Justice (DOJ) highlighted dangerous conditions at Adams County Correctional Center, owned by CoreCivic, one of the largest for-profit prison operators in the country. In 2012, inmate dissatisfaction over “inadequate medical care, substandard food, and disrespectful staff members” led to a riot that killed a correctional officer, Catlin Carithers, and injured 20 other people.<sup>3</sup> The DOJ report indicated that four years later, “the facility was plagued by the same significant deficiencies” as in 2012.<sup>4</sup> A 2016 investigation by *The Nation*

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<sup>1</sup> Mother Jones, “ICE Just Quietly Opened Three New Detention Centers, Flouting Congress’ Limits,” Noah Lanard, Jul. 9, 2019, <https://www.motherjones.com/politics/2019/07/ice-just-quietly-opened-three-new-detention-centers-flouting-congress-limits/>.

<sup>2</sup> *Id.*

<sup>3</sup> Department of Justice Office of the Inspector General, “Audit of the Federal Bureau of Prisons’ Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi,” Dec. 2016, <https://oig.justice.gov/reports/2016/a1708.pdf#page=1> (“DOJ OIG Report”); The Intercept, “Fatal Corrections,” Janosch Delcker, Dec. 17, 2016, <https://theintercept.com/2016/12/17/inside-the-deadly-mississippi-riot-that-pushed-the-justice-department-to-rein-in-private-prisons/>.

<sup>4</sup> DOJ OIG Report, *supra* note 3, <https://oig.justice.gov/reports/2016/a1708.pdf#page=1>.

found “three cases where immigrant inmates died following poor medical treatment at Adams County.”<sup>5</sup>

In May of this year, the Bureau of Prisons (BOP) announced it would stop using this facility to house federal prisoners.<sup>6</sup> Yet, just two months later, ICE has decided to detain migrants there.

The circumstances surrounding ICE’s use of these facilities are very concerning. ICE did not publicly disclose the use of the Adams County or Catahoula centers, confirming their use only in response to the public reports. CoreCivic announced that BOP did not renew its contract for Adams County Correctional Center,<sup>7</sup> but did not announce that it had later contracted with ICE or that it had begun to move migrants into the facility. GEO Group disclosed in April that ICE would soon begin using its South Louisiana ICE Processing Center,<sup>8</sup> but the agency did not disclose that fact.

According to Laura Rivera, an attorney with the Southern Poverty Law Center, clients transferred to Adams County “are still not showing up in ICE’s detainee locator tool.”<sup>9</sup> Furthermore, she has not been notified by ICE of the transfer, suggesting that the agency has violated its own detention standards.<sup>10</sup> Moreover, several detainees have recently begun a hunger strike to protest conditions at Adams County, and a family member of one of them reported that detainees lack adequate medical attention and necessities like soap and toothpaste.<sup>11</sup>

Failures to provide proper notification to attorneys, Congress, and the public risks the health and safety of migrants in these facilities—a risk underscored by the problems that already appear to be emerging at Adams County. Furthermore, it suggests that ICE knew the impropriety of its actions in transferring migrants to these facilities.

Despite reports that children in Customs and Border Protection lack “even the most basic resources,” ICE appears to be spending money to secretly house migrants in for-profit facilities with demonstrated failures to provide safe and secure conditions, rather than improving conditions in existing facilities.<sup>12</sup>

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<sup>5</sup> *Supra* note 1.

<sup>6</sup> The Natchez Democrat, “CoreCivic: Federal Bureau of Prisons will not renew contract with Adams County Correctional Center,” Staff Reports, May 2, 2019, <https://www.natchezdemocrat.com/2019/05/02/core-civic-federal-bureau-of-prison-will-not-renew-contract-with-adams-county-correctional-center/>.

<sup>7</sup> CoreCivic, “Federal Bureau of Prisons Elects Not to Renew Contract at the Adams County Correctional Center,” May 1, 2019, <http://ir.corecivic.com/news-releases/news-release-details/federal-bureau-prisons-elects-not-renew-contract-adams-county>.

<sup>8</sup> Markets Insider, “The GEO Group Announces Signing of Contract Modification with U.S. Immigration and Customs Enforcement for the Reactivation of the Existing 1,000-Bed South Louisiana ICE Processing Center,” Apr. 25, 2019, <https://markets.businessinsider.com/news/stocks/the-geo-group-announces-signing-of-contract-modification-with-u-s-immigration-and-customs-enforcement-for-the-reactivation-of-the-existing-1-000-bed-south-louisiana-ice-processing-center-1028138261>.

<sup>9</sup> *Supra* note 1.

<sup>10</sup> *Id.*

<sup>11</sup> Clarion Ledger, “‘Things are really bad’: ICE detainees reportedly on hunger strike at Mississippi prison,” Sarah Fowler, Jul. 10, 2019, <https://www.clarionledger.com/story/news/2019/07/10/ice-immigrant-detainees-hunger-strike-mississippi-prison-conditions-deportation/1694897001/>.

<sup>12</sup> *Supra* note 1.

To address my questions about these troubling reports, I request that you provide answers to the following questions by July 25, 2019.

1. How were the Adams County Correctional Center, the Catahoula Correctional Center in Louisiana, and the South Louisiana ICE Processing Center selected as a location for detaining migrants despite its dangerous record?
  - a. What provisions are in place to end recurring problems or prevent new problems at these facilities?
  - b. Are these institutions accredited, and if so, did that play a role in the decision to contract with these facilities?
  - c. It has been reported that at the Adams County Correctional Facility, CoreCivic “will need an additional 40 [employees,] primarily in the medical area,” according to a local elected official in Adams County who has met with CoreCivic representatives.<sup>13</sup> Is this accurate? If so, were those medical personnel hired before ICE detainees were brought into the facility?
2. What are the terms and conditions of each contract with these facilities? Specifically, at each facility:
  - a. When was the contract signed?
  - b. When does the contract begin and end?
  - c. How many detainees can be housed at the facility under the contract?
  - d. What is the daily cost per detainee?
  - e. What provisions are in place to ensure that these facilities are safe and meet all appropriate quality standards?
3. Did ICE provide any advance notice to any parties of the use of these facilities?
  - a. Did ICE provide advance public notice to the public of the use of these facilities?
  - b. Did ICE provide advance notice to attorneys whose clients were transferred? Has ICE provided notice yet to the attorneys of all clients who were transferred?
  - c. Did ICE provide advance notice to family or other individuals associated with migrants who were transferred?
  - d. Has ICE fully updated its detainee locator tool?
4. On what dates did ICE begin sending migrants to the Adams County Correctional Center, the Catahoula Correction Center, and the South Louisiana ICE Processing Center?
5. Which congressionally appropriated funds is ICE using to contract with these facilities?
  - a. To fund these facilities, did the Secretary of Homeland Security rely on reprogramming or transferring of funds per Sec. 208 of the Administrative Provisions in Title II of the Consolidated Appropriations Act, 2019?<sup>14</sup>

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<sup>13</sup> Magnolia State Live, “County supervisor says private prison may soon have new life, despite loss of federal contract,” Jun. 27, 2019, [https://www.magnoliastatelive.com/2019/06/27/county-supervisor-says-private-prison-may-soon-have-new-life-despite-loss-of-federal-contract/?fbclid=IwAR37mDf6BF\\_MjUaXyMeytSZpTzIwLV0GyE8ETSP5u5Z-oF1dPip1czCP9f0](https://www.magnoliastatelive.com/2019/06/27/county-supervisor-says-private-prison-may-soon-have-new-life-despite-loss-of-federal-contract/?fbclid=IwAR37mDf6BF_MjUaXyMeytSZpTzIwLV0GyE8ETSP5u5Z-oF1dPip1czCP9f0).

<sup>14</sup> Pub. Law 116-6.

- b. Were the House and Senate Appropriations Committees required to be notified of any reprogramming related to these facilities, per Sec. 503(b) of the General Provisions in Title V of the Consolidated Appropriations Act, 2019?
      - i. If not, why?
      - ii. If so, please provide copies of the notifications.
- 6. Section 210 of the Administrative Provisions in Title II of the Consolidated Appropriations Act, 2019 prohibits ICE from using any funds “to continue any contract for the provision of detention services if the two most recent overall performance evaluations” of the facility are less than “adequate.”<sup>15</sup> Please provide a record of the two most recent overall performance evaluations for the Adams County Correctional Center, the Catahoula Correctional Center in Louisiana, and the South Louisiana ICE Processing Center.
- 7. What other contracts has ICE signed within the past year for migrant detention facilities?
  - a. Please provide a copy of each contract.
  - b. Please describe what public disclosure of these contracts has been provided before now.
- 8. What plans does ICE have in place to move migrants into facilities that are not currently used by ICE to detain migrants?
  - a. What sites are being considered by ICE for migrant detention that are not currently being used for that purpose?

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>15</sup> Public Law 116-6.